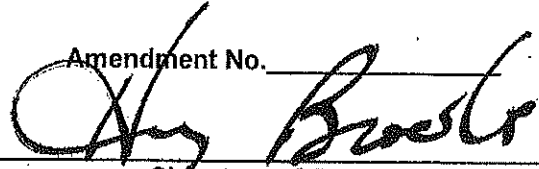


Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

<b>FILED</b>	
Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

**AMEND Senate Bill No. 248**

**House Bill No. 22\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new section:

(a) Beginning with the 2018-2019 school year, every LEA shall make available to students enrolled in its high schools opportunities to take at least four (4) early postsecondary opportunities, as defined by the department of education.

These opportunities may be provided through traditional classroom instruction, online or virtual instruction, blended learning, or other educationally appropriate methods.

(b) LEAs are encouraged to partner with other LEAs or institutions of higher education to provide early postsecondary credit courses.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



0604955014



\*008418\*

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

<b>FILED</b>	
Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

**AMEND Senate Bill No. 644\***

**House Bill No. 813**

by deleting Section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 40-33-204, is amended by adding the following new subsection (j):

(1) A person in possession of, a secured party of, or an owner of property for which a forfeiture warrant has been issued by a magistrate or judicial commissioner may appeal the forfeiture warrant within ten (10) days of issuance for review by the general sessions court in the county in which the seizure occurred. On appeal, the general sessions court shall conduct a hearing and review the issuance of the forfeiture warrant within ten (10) days of the appeal being filed.

(2) Notwithstanding subsection (g), if a forfeiture warrant was issued by a magistrate or judicial commissioner, the warrant, a copy of the affidavit, and the notice of seizure shall not be sent to the applicable agency until:

(A) Seven (7) business days after the time period to appeal the forfeiture warrant has ended and no appeal has been filed; or

(B) Seven (7) business days after the general sessions judge has affirmed the issuance of the forfeiture warrant, if the warrant was appealed.



0181037513



\*008112\*

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. \_\_\_\_\_

Signature of Sponsor

AMEND Senate Bill No. 295

House Bill No. 362\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 5, is amended by adding the following as a new section:

(a)

(1) Upon the development of any proposed statewide general or individual national pollutant discharge elimination system (NPDES) permit to a municipal separate storm sewer system operated by a local governmental entity the commissioner of environment and conservation shall promulgate rules that include the proposed permit for review pursuant to § 4-5-226.

(2) No NPDES permit to a municipal separate storm sewer system operated by a local governmental entity shall be issued until the rules promulgated pursuant to subdivision (a)(1) have been continued pursuant to § 4-5-226(a).

(b) In addition to the requirements of § 4-5-226, in reviewing the NPDES permit the government operations committees of the senate and the house of representatives shall make recommendations to the general assembly, as necessary, to ensure that the requirements for permanent stormwater measures do not exceed the minimum requirements required by federal law.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that



0879325522



\*008489\*

can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 298\***

**House Bill No. 413**

by deleting subsection (b) from Section 3 and substituting instead the following language:

(b) The speaker of the house of representatives shall appoint three (3) members of the house of representatives to the task force. The speaker of the senate shall appoint three (3) members of the senate to the task force.



066794532

- 1 -



\*008352\*

Amendment No. \_\_\_\_\_

*Donald D. Carper*  
Signature of Sponsor

<b>FILED</b>	
Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

AMEND Senate Bill No. 720\*

House Bill No. 980

by deleting subdivision (e)(1)(A) from Section 2 and substituting instead the following language:

(A) Meets all academic and nonacademic requirements for the Tennessee

HOPE scholarship;



005640812



\*007837\*

Amendment No. \_\_\_\_\_

*Keith Calkins*  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 720\***

**House Bill No. 980**

by deleting from subdivision (b)(1) in Section 2 the language "2.75" and substituting instead the language "3.0".

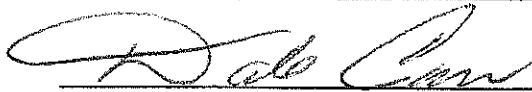


072329352



\*008355\*

Amendment No. \_\_\_\_\_



Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 409\*

House Bill No. 494

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-103(a)(3)(B)(v), is amended by designating the existing language as subdivision (a)(3)(B)(v)(a) and adding the following as a new subdivision (a)(3)(B)(v)(b):

(b) Subdivision (a)(3)(B)(v)(a) shall not apply in the 2017-2018 fiscal year through the 2020-2021 fiscal year. This subdivision (a)(3)(B)(v)(b) is repealed on July 1, 2021.

SECTION 2. Tennessee Code Annotated, Section 67-6-396, is amended by adding the following as a new subsection (f):

(f)

(1) Notwithstanding subsection (b), for a federally declared natural disaster that occurred during the period of November 28, 2016, to December 9, 2016, in a county with a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900), according to the 2010 federal census or any subsequent federal census, the total amount refunded under this section in connection with any one (1) residence shall not exceed three thousand five hundred dollars (\$3,500).

(2) For purposes of this subsection, a "claimant" has the same meaning as defined in subdivision (a)(1) and includes a natural person whose secondary residence was damaged or destroyed by fire as a result of a federally declared natural disaster that occurred during the period of November 28, 2016, to December 9, 2016, in a county with a population of not less than eighty-nine



0727916942

- 1 -



\*008245\*



thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900), according to the 2010 federal census or any subsequent federal census.

(3) For purposes of this subsection, each claimant is limited to one (1) refund claim for a primary residence and one (1) refund claim for one (1) secondary residence.

(4) For purposes of this subsection, "major appliance," "residential building supplies," and "residential furniture" have the same meanings as defined in subsection (a) and include such items as used in the claimant's secondary residence.

(5) Subsection (c) shall apply to all refund claims in connection with a primary residence.

(6) Subsection (c) shall apply to all refund claims in connection with a secondary residence; provided, that a claimant is not required to include proof of receipt of federal disaster assistance and the claimant must file such claim for a refund by April 1, 2018. The claimant must certify that the secondary residence was damaged or destroyed by fire in a federally declared natural disaster that occurred during the period of November 28, 2016, to December 9, 2016, in a county with a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900), according to the 2010 federal census or any subsequent federal census.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 371**

**House Bill No. 420\***

by deleting 66-29-125 in its entirety from Section 1 and substituting instead the following:

**66-29-125.**

(a) The report under § 66-29-123 must be filed before May 1 of each year and report property held as of December 31 of the preceding year.

(b) Before the date for filing the report under § 66-29-123, the holder of property presumed abandoned may request the treasurer to extend the time for filing. The treasurer may grant an extension for good cause. If the extension is granted, the holder may pay or make a partial payment of the amount the holder estimates ultimately will be due. The payment or partial payment terminates accrual of interest on the amount paid.

**AND FURTHER AMEND** by deleting 66-29-140(b) in its entirety and redesignating the subsequent subsection accordingly.



0631718997



\*008015\*

Amendment No. \_\_\_\_\_  
\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 196\*

House Bill No. 483

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3006(b), is amended by deleting the existing language in its entirety and substituting instead the following language:

(b) To facilitate the enforcement of this part, the director of schools shall designate at least one (1) qualified employee who shall be identified as the system attendance supervisor. The duties of an attendance supervisor shall include, but shall not be limited to, assisting the board, under the direction of the director of schools, with the enforcement of the compulsory attendance laws of the state and to discharge such other duties that are necessary to effectuate enforcement of laws and local policies related to absenteeism and truancy. The attendance supervisor may also be directed to devise and recommend to the director of schools, for board approval, a progressive truancy intervention plan consistent with the provisions of this part.

SECTION 2. Tennessee Code Annotated, Section 49-6-3007, is amended by deleting subsection (e) in its entirety and substituting instead the following:

(e)

(1) On or before the beginning of each school year, the principal or head of school at every public, private, or parochial school shall give written notification to the parent, legal guardian, or person having control of a student subject to compulsory attendance that it is a parent or guardian's duty to monitor the student's school attendance and require the student to attend school. The written notice shall also include language that informs a parent or guardian that if the student is absent from school for an aggregate of five (5) days during the



082225752



\*006602\*

school year without adequate excuse, then the student is subject to referral to juvenile court.

(2) It is the duty of the principal at every public school to report promptly to the director of schools, or to the attendance supervisor, the names of all children who have withdrawn from school, or who have been absent for five (5) days without adequate excuse. For the purposes of this part, five (5) days shall mean the aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(3) Upon the requisite number of absences, the director of schools or attendance supervisor shall serve, or cause to be served, upon the parent, guardian, or other person having control of a child subject to compulsory attendance who is unlawfully absent from school, written notice that attendance of the child at school is required by law. The director of schools or attendance supervisor shall send a new notice after each successive accumulation of five (5) unexcused absences.

(4) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian, or other person in parental relation has failed to comply with this part, then the director of schools or the attendance supervisor shall request a conference between school officials and the parent to discuss the absences and to trigger the first tier of the progressive truancy interventions.

SECTION 3. Tennessee Code Annotated, Section 49-6-3007(i)(1)(B), is amended by deleting the language "two (2)" wherever it appears in the subdivision and substituting instead the language "five (5)".

SECTION 4. Tennessee Code Annotated, Section 49-6-3009, is amended by deleting subsection (c) in its entirety; by adding the following new subsections; and by renumbering the remaining subsection accordingly:

(c) As an alternative to the filing of a truancy petition or for criminal prosecution for educational neglect, a director of schools or attendance supervisor shall devise and recommend, and the school board shall adopt, progressive truancy interventions for students who violate compulsory attendance requirements. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.

(d) Progressive truancy interventions adopted by a school district pursuant to subsection (c) shall be applied prior to referral to juvenile court for the conduct described in § 49-6-3007 and shall meet the following requirements:

(1) The first tier of progressive truancy interventions is triggered by at least three (3) unexcused absences within a school year;

(2) The first tier of progressive truancy interventions must include, at a minimum:

(A) A conference with the student and the student's parent or guardian;

(B) A resulting attendance contract to be signed by the student, the student's parent or guardian, and an attendance officer, which shall include:

(i) A specific description of the school's attendance expectations for the child;

(ii) The period for which the contract is effective, not to exceed ninety (90) school days, or the last day of the semester after the date the contract becomes effective, whichever comes first; and

(iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and

(C) Regularly scheduled follow-up meetings to discuss the student's progress;

(3) The progressive truancy interventions shall include, in addition to the first tier, at least two (2) additional tiers of interventions that are applied if the student accumulates additional unexcused absences in violation of the attendance contract;

(4) At least one (1) tier shall include an individualized assessment by a school employee of the reasons a student has been absent from school, and if necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems;

(5) Additional interventions may consist of one (1) or more of the following:

(A) School-based community services;

(B) Participation in a school-based restorative justice program;

(C) Referral to a school-based teen court; or

(D) Saturday courses designed to improve attendance and behavior;

(6) In-school suspension or out-of-school suspension shall not be used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school; and

(7) A referral made under subdivisions (d)(1)-(5) may include participation by the child's parent or guardian if necessary.

(e) Each referral to juvenile court for conduct described in § 49-6-3007(f) and § 49-6-3007(i)(4)(D) shall be accompanied by a statement from the student's school certifying that:

(1) The school applied the progressive truancy interventions adopted under subsection (d) to the student; and

(2) The progressive truancy interventions failed to meaningfully address the student's school attendance.

(f) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with subsection (e).

(g) Each intervention program shall report school attendance of program participants to the director of schools or the attendance supervisor in the year following the intervention.

(h) Notwithstanding any other law, each LEA having previously adopted an effective progressive truancy intervention program that substantially conforms to the provisions of this section may present such intervention program to the commissioner of education for approval in lieu of strict compliance with the provisions specified herein.

(i) Each head of school of a private or parochial school shall recommend, and the board of the school shall adopt, a policy addressing compulsory attendance and truancy that describes the interventions that such school shall employ for violations of the compulsory attendance laws. Such policy shall contain a provision that the director of schools or the attendance supervisor in the system where the child's home of record is located shall be notified in the event that a student at such private or parochial school is expelled or withdraws from school.

SECTION 5. This act shall take effect July 1, 2018, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
*Kelly Kersling*  
\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 1230**

**House Bill No. 810\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Elderly and Vulnerable Adult Protection Act."

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 15, is amended by adding the following as a new part:

**39-15-501.**

As used in this part, unless the context otherwise requires:

(1) "Caregiver":

(A) Means a relative or a person who has a legal duty to provide care, or who has assumed such duty by contract or conduct that a reasonable person would interpret as an assumption of the responsibility for an elderly or vulnerable adult's care; and

(B) Does not include a financial institution as a caregiver of property, funds, or other assets unless the financial institution has entered into an agreement, or has been appointed by a court of competent jurisdiction, to act as a trustee with regard to the property of the adult;

(2) "Elderly adult" means a person seventy (70) years of age or older;

(3) "Financial exploitation" means:

(A) The use of deception, intimidation, undue influence, force, or threat of force to obtain or exert unauthorized control over an elderly or vulnerable adult's property with the intent to deprive the elderly or vulnerable adult of property;



0009990913



\*008325\*



(B) The breach of a fiduciary duty to an elderly or vulnerable adult by the person's guardian, conservator, or agent under a power of attorney which results in an appropriation, sale, or transfer of the elderly or vulnerable adult's property; or

(C) The act of obtaining or exercising control over an elderly or vulnerable adult's property by a caregiver committed with intent to benefit the caregiver or other third party;

(4) "Relative" means a spouse; child, including stepchild, adopted child, or foster child; parent, including stepparent, adoptive parent, or foster parent; sibling of the whole or half-blood; step-sibling; grandparent, of any degree; grandchild, of any degree; and aunt, uncle, niece, and nephew, of any degree, who:

(A) Resides with or has frequent or prolonged contact with the elderly or vulnerable adult; and

(B) Knows or reasonably should know that the elderly or vulnerable adult is unable to adequately provide for the adult's own care or financial resources; and

(5) "Vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, is unable to fully manage the person's own resources, carry out all or a portion of the activities of daily living, or fully protect against neglect, exploitation, or hazardous or abusive situations without assistance from others.

**39-15-502.**

(a) It is an offense for any person to knowingly financially exploit an elderly or vulnerable adult.

(b) A violation of this section shall be punished as theft pursuant to § 39-14-105; provided, however, that the violation shall be punished one (1) classification higher than is otherwise provided in § 39-14-105.

(c)

(1) If a person is charged with financial exploitation that involves the taking or loss of property valued at more than five thousand dollars (\$5,000), a prosecuting attorney may file a petition with the circuit, general sessions, or chancery court of the county in which the defendant has been charged to freeze the funds, assets, or property of the defendant in an amount up to one hundred percent (100%) of the alleged value of funds, assets, or property in the defendant's pending criminal proceeding for purposes of restitution to the victim. The hearing on the petition may be held ex parte if necessary to prevent additional exploitation of the victim.

(2) Upon a showing of probable cause in the ex parte hearing, the court shall issue an order to freeze or seize the funds, assets, or property of the defendant in the amount calculated pursuant to subdivision (c)(1). A copy of the freeze or seize order shall be served upon the defendant whose funds, assets, or property has been frozen or seized.

(3) The court's order shall prohibit the sale, gifting, transfer, or wasting of the funds, assets, or property of the elderly or vulnerable adult, both real and personal, owned by, or vested in, such person, without the express permission of the court.

(4) At any time within thirty (30) days after service of the order to freeze or seize funds, assets, or property, the defendant or any person claiming an interest in the funds, assets, or property may file a motion to release the funds, assets, or property. The court shall hold a hearing on the motion no later than ten (10) days from the date the motion is filed.

(d) In any proceeding to release funds, assets, or property, the state has the burden of proof, by a preponderance of the evidence, to show that the defendant used, was using, is about to use, or is intending to use any funds, assets, or property in any

way that constitutes or would constitute an offense under subsection (a). If the court finds that any funds, assets, or property were being used, are about to be used, or are intended to be used in any way that constitutes or would constitute an offense under subsection (a), the court shall order the funds, assets, or property frozen or held until further order of the court.

(e) If the prosecution of a charge under subsection (a) is dismissed or a nolle prosequi is entered, or if a judgment of acquittal is entered, the court shall vacate the order to freeze or seize the funds, assets, or property.

(f) In addition to other remedies provided by law, an elderly or vulnerable adult in that person's own right, or by conservator or next friend, has a right of recovery in a civil action for financial exploitation or for theft of the person's money or property whether by fraud, deceit, coercion, or otherwise. The right of action against a wrongdoer shall not abate or be extinguished by the death of the elderly or vulnerable adult, but passes as provided in § 20-5-106, unless the alleged wrongdoer is a relative, in which case the cause of action passes to the victim's personal representative.

### **39-15-503.**

For purposes of determining whether an offense was committed under § 39-15-502:

(1) Any transfer of property valued in excess of one thousand dollars (\$1,000) in a twelve-month period, whether in a single transaction or multiple transactions, by an elderly or vulnerable adult to a non-relative whom the transferor has known for fewer than two (2) years before the first transfer and for which the transferor did not receive reciprocal value in goods or services creates a permissive inference that the transfer was effectuated without the effective consent of the owner.

(2) Subdivision (1) applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan except that it shall not apply to a valid

loan evidenced in writing and which includes definite repayment dates. In the event repayment of any such loan is in default, in whole or in part, for more than sixty (60) days, the inference described in subdivision (1) applies. Subdivision (1) does not apply to persons or entities that operate a legitimate financial institution.

(3) This section does not apply to valid charitable donations to nonprofit organizations qualifying for tax exempt status under the internal revenue code.

(4) A court shall instruct jurors that they may, but are not required to, infer that the transfer of money or property was effectuated without the effective consent of the owner, with the intent to deprive the owner of the money or property, upon proof beyond a reasonable doubt of the facts listed in subdivision (1). The court shall also instruct jurors that they may find a defendant guilty only if persuaded that each element of the offense has been proved beyond a reasonable doubt.

**39-15-504.**

In cases where an alleged offense under this part or under title 71, chapter 6, part 1 has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of the defendant's initial court appearance whether the case originates in general sessions court or criminal court.

**39-15-505.**

(a) An elderly or vulnerable adult victim's inability to attend judicial proceedings due to illness, or other mental or physical disability, shall be considered exceptional circumstances upon the state's motion to preserve testimony pursuant to Rule 15 of the Tennessee Rules of Criminal Procedure.

(b) The court shall consider an affidavit executed by the elderly or vulnerable adult's treating physician stating that the elderly or vulnerable adult is unable to attend

court due to illness or other mental or physical disability as prima facie evidence of the need to preserve witness testimony by the taking of the adult's out-of-court deposition.

(c) The court shall order the defendant's attendance to the out-of-court deposition. The defendant may waive the defendant's attendance in writing.

**39-15-506.**

(a)

(1) Following a conviction for a violation of § 39-15-502, the clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

(2) Upon receipt of a judgment of conviction for a violation of an offense set out in subdivision (a)(1), the department shall place the person or persons convicted on the registry of persons who have abused, neglected, or financially exploited an elderly or vulnerable adult as provided in § 68-11-1003(c).

(3) Upon entry of the information in the registry, the department shall notify the person convicted, at the person's last known mailing address, of the person's inclusion on the registry. The person convicted shall not be entitled or given the opportunity to contest or dispute either the prior hearing conclusions or the content or terms of any criminal disposition, or attempt to refute the factual findings upon which the conclusions and determinations are based. The person convicted may challenge the accuracy of the report that the criminal disposition has occurred, such hearing conclusions were made, or any factual issue related to the correct identity of the person. If the person convicted makes such a challenge within sixty (60) days of notification of inclusion on the registry, the commissioner, or the commissioner's designee, shall afford the person an opportunity for a hearing on the matter that complies with the requirements of

due process and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b)

(1) In addition to any other punishment that may be imposed for a violation of § 39-15-502, the court shall impose a fine of not less than one thousand dollars (\$1,000). The fine shall not exceed the maximum fine established for the appropriate offense classification.

(2) The person convicted shall pay the fine to the clerk of the court imposing the sentence, who shall transfer it to the district attorney of the judicial district in which the case was prosecuted. The district attorney shall credit the fine to a fund established for the purpose of educating, enforcing, and providing victim services for elderly and vulnerable adult prosecutions.

SECTION 3. Tennessee Code Annotated, Section 39-14-111, is deleted in its entirety.

SECTION 4. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i)(c), is amended by deleting the language "a violation of § 71-6-117 or § 71-6-119" and substituting instead the language "a violation of § 71-6-117, § 71-6-119, or § 39-15-502".

SECTION 5. Tennessee Code Annotated, Section 71-6-117(a), is amended by deleting the language "abuse, neglect or exploit" and substituting instead the language "abuse or neglect".

SECTION 6. Tennessee Code Annotated, Section 71-6-120(h), is amended by deleting the language "71-6-117" and substituting instead the language "39-15-502".

SECTION 7. Tennessee Code Annotated, Section 71-6-124(a)(1), is amended by deleting the language "§ 71-6-117" wherever it appears and substituting instead the language "§ 71-6-117 or § 39-15-502".

SECTION 8. For the purposes of promulgating rules required by this act, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No. \_\_\_\_\_



Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 726**

**House Bill No. 535\***

by deleting subdivision (e)(5)(B) in Section 1 and substituting instead the following:

(B) A petition for review must set forth the factual basis showing that the filed record was filed with a reasonable basis or legal cause, and must be accompanied by a cost bond in the amount of two hundred dollars (\$200), the form of which shall be determined through rule by the secretary of state. The cost bond required pursuant to this subdivision (e)(5)(B) does not apply to any financial institution that is insured by the federal deposit insurance corporation, insured by the national credit union administration, or regulated by the farm credit administration.



0008602321



\*006554\*

Amendment No. \_\_\_\_\_

*Charles W. Dargatzis*

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 703

House Bill No. 684\*

by adding the following new sections immediately preceding the last two sections and renumbering the subsequent sections accordingly:

SECTION \_\_\_. Tennessee Code Annotated, Section 57-3-204(b)(2)(A), is amended by deleting the subdivision and substituting instead the following:

(A) Who is not a bona fide resident of this state or, with respect to renewal of any license issued pursuant to this section, who has not maintained residency in this state throughout the effective period of the license for which renewal is sought;

SECTION \_\_\_. Tennessee Code Annotated, Section 57-3-204(b)(3)(B), is amended by deleting the subdivision and substituting instead the following:

(B) All of its capital stock must be owned by individuals who are residents of this state or, with respect to renewal of any license issued pursuant to this section, who have maintained residency in this state throughout any portion of the effective period of the license for which renewal is sought and during which they owned such stock;

SECTION \_\_\_. Tennessee Code Annotated, Section 57-3-204(b)(3)(D), is amended by deleting the subdivision and substituting instead the following:

(D) No stock of any corporation licensed under this section shall be transferred to any person who is not a resident of this state.



0638988717

- 1 -



\*008301\*



Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 193\***

**House Bill No. 331**

by deleting the language "For tax years beginning January 1, 2017," from Section 1 and substituting instead the language "For tax years beginning January 1, 2018,".



0821560129

- 1 -



\*007076\*

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>	
Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

**AMEND Senate Bill No. 631\***

**House Bill No. 727**

by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Senator Douglas Henry Tennessee History Act."

(b) The general assembly finds that:

(1) It is essential for all citizens to know and understand the unique heritage and history of the state of Tennessee;

(2) A clear and full understanding of Tennessee's history is fundamental to understanding Tennessee's place in the United States and the world; and

(3) Providing and promoting Tennessee history should be a core mission of our system of education.

(c) Beginning with the 2018-2019 school year, the state board of education shall require a course in Tennessee history for students.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2018-2019 school year and each school year thereafter.



0256176294



\*008414\*

Amendment No. \_\_\_\_\_

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 230\*

House Bill No. 910

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-3-901, is amended by deleting subsection (g) and substituting instead the following:

(g) Prior to the apportionment set out in subsections (b), (c), (d) and (f), there shall be apportioned for distribution to the wildlife resources fund an amount equal to five thousand three hundred forty-four ten-thousandths of one percent (0.5344%) of the taxes collected under § 67-3-201, exclusive of tax revenues resulting from the three cents (3¢) per gallon gasoline tax increase imposed by chapter 46 of the Public Acts of 1989 and all tax revenues resulting from the gasoline tax increase imposed by chapter \_\_\_ of the Public Acts of 2017 (SB 1221/HB 534).

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.



0260128229



\*008360\*

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 831**

**House Bill No. 841\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known, and may be cited as, the "Education Investment Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following language as a new section:

(a) The education investment endowment fund is created. The education investment endowment fund shall be established and funded under the following terms and conditions:

(1) The fund shall be a revocable trust that the state treasurer shall administer. The attorney general and reporter shall approve the terms of the trust instrument. The trust shall consist of the education investment endowment account and the education investment special reserve account;

(2) The trustees of the trust shall be as follows:

- (A) The state treasurer;
- (B) The comptroller of the treasury;
- (C) The secretary of state;
- (D) The commissioner of education; and
- (E) The commissioner of finance and administration;

(3) The state treasurer shall serve as the chair of the trustees and shall preside over all meetings and proceedings of the trustees;

(4) The trust may invest in any security or investment in which the Tennessee consolidated retirement system is permitted to invest; provided, that



0534400629



\*008721\*

investments by the trust shall be governed by the investment policies and guidelines adopted by the trustees of the trust in accordance with this section. The state treasurer shall be responsible for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees;

(5) The initial deposit to the education investment endowment account shall constitute the principal of the trust. Trust income, as defined in this section, shall not increase, or constitute an addition to, the principal of the trust, but shall be placed in the education investment special reserve account;

(6) The principal of the trust shall not be expended for any purpose but may be transferred to the revenue fluctuation reserve in accordance with subsection (b). Trust income shall be expended only to fund the kindergarten through grade twelve (K-12) block grant program and pay expenses incurred in administering and investing the trust assets;

(7) Any trust income not allocated or distributed to the beneficiaries of the K-12 block grant program shall be maintained in the education investment special reserve account and may be subject to future allocations and distributions in accordance with this section;

(8) Any funds transferred or appropriated for the K-12 block grant program after the initial deposit shall be placed in the education investment special reserve account of the trust. Unexpended funds remaining in the trust in any fiscal year, whether principal or funds in the education investment special reserve account shall not revert to the general fund;

(9) The funds transferred to this trust may be commingled with, co-invested with, and invested or reinvested with other assets transferred to the trust. All or a portion of the trust may be invested, reinvested and co-invested with other funds, not a part of the trust, that are held by the state treasurer, including, but not limited to, assets of the Tennessee consolidated retirement

system and the state pooled investment fund established pursuant to title 9, chapter 4, part 6. The state treasurer shall account for such trust funds in one (1) or more separate accounts in accordance with this section and other law; and

(10) Notwithstanding any law to the contrary, all funds placed in the education investment special reserve account shall be available for allocation and distribution as authorized in this section and in section 3 of this act only to the extent that funds are available in the education investment special reserve account special reserve account, and the state shall not be liable for any amount in excess of such sum. All requests for withdrawals for the payment of program funding that are presented to the state treasurer shall be used only to fund the K-12 block grant program. Such requests for withdrawals shall not be commingled with requests for withdrawals presented to the state treasurer for any other purpose, and the individual or entity requesting the withdrawal of funds shall attest to the same upon presentation of the request for withdrawal to the state treasurer.

(b) Upon recommendation of the commissioner of finance and administration, moneys in the education investment endowment fund may be transferred to the revenue fluctuation reserve in any year in which the revenue fluctuation reserve is used to meet unexpected shortfalls of revenues; provided, that any transfer shall be made in accordance with an appropriations act approved by the general assembly.

(c) For the purposes of this section, "trust income" means the income from the trust's investment portfolio from whatever source derived, including, but not limited to, interest, dividends, and realized capital gains or losses;

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following language as a new section:

(a) The department of education shall administer a kindergarten through grade twelve (K-12) block grant program.

(b) K-12 block grants are supplemental to BEP funding.

(c) From moneys in the education investment special reserve account available on August 1, 2019, and on each August 1 thereafter, the department shall distribute grants to each LEA based on the prior year ADM of the LEA.

(d) Each LEA may use block grant funds to improve the quality of education within the LEA in a manner deemed appropriate by the local board of education and consistent with the eligible purposes identified by the department.

(e) Eligible purposes for grant funds shall include priority areas identified in the ESSA state plan and may include other purposes approved by the department; provided, that no block grant funds shall be used for salaries or other recurring expenditures.

(f) By February 1, 2020, and on each February 1 thereafter, each LEA shall submit a written report on the use of block grant funds to the department, the state board of education, the finance, ways and means committees of the senate and the house of representatives, the education committee of the senate, the education administration and planning committee of the house of representatives, and the director of the office of legislative budget analysis.

SECTION 4. Section 3 of this act shall take effect January 1, 2019, the public welfare requiring it. All other sections of this act shall take effect July 1, 2018, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Charles W. Dargatzis*

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 1363

House Bill No. 1367\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-501, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Modern market telecommunications provider" means:

(A) An incumbent local exchange telephone company that elects market regulation pursuant to § 65-5-109;

(B) A telephone cooperative organized pursuant to § 65-29-102; or

(C) An entity or separate operating division within the entity if the business activity of the entity or division is limited to providing:

(i) Competitive local exchange telephone services; or

(ii) Interconnected voice over internet protocol services;

SECTION 2. Tennessee Code Annotated, Section 67-5-501(8)(B), is amended by adding the following language as a new subdivision (iv):

(iv) Modern market telecommunications providers;

SECTION 3. Tennessee Code Annotated, Section 67-5-502, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) The property of all street railroad, gas, electric light companies, modern market telecommunications providers, and all public utility companies, including their franchises, used within any town, city, or taxing district where the office of the company is located outside of such incorporated city or town or taxing district, but with the main property within the city, shall be taxed in the city, town, or taxing district as if the office was situated within the city limits, and the property, including franchises of the



0903118317



\*008691\*



corporations and joint stock companies that lie wholly or mainly within any incorporated city, taxing district, or town, or whose chief business is within any incorporated city, taxing district, or town, shall be assessed for taxation in such city, taxing district, or town; provided, that all real property and tangible personal property shall be taxed in the district where situated; and provided further, that public utility property of every kind, whether real property, tangible personal property, or intangible personal property, shall all be assessed for taxes at fifty-five percent (55%) of its value and that all property of modern market telecommunications providers shall be assessed at the rate applicable to commercial and industrial property of the same type.

(c) Leased personal property used by a public utility company or modern market telecommunications provider shall be assessed to such company or provider, unless such property is the subject of a lawful agreement between the lessee and a local government for payments in lieu of taxes. Other leased personal property shall be classified according to the lessee's use and assessed to the lessee, unless such property is the subject of a lawful agreement between the lessee and a local government for payments in lieu of taxes. Personal property that is leased to and used by any religious, charitable, scientific, or nonprofit educational institution purely and exclusively for one (1) or more of the purposes for which the institution was previously determined to be exempt under § 67-5-212 shall not be deemed to be used in a business or profession, and shall not be classified as industrial or commercial property for property tax purposes.

SECTION 4. Tennessee Code Annotated, Section 67-5-1301(a), is amended by adding the following language as a new subdivision:

( ) Modern market telecommunications providers;

SECTION 5. Tennessee Code Annotated, Section 67-5-1302, is amended by deleting the second sentence of subdivision (a)(1) and substituting instead the following:

Such operating property which is used predominantly to provide cellular telephone service, radio common carrier service, or long distance telephone service, or

which is used by a modern market telecommunications provider, shall be assessed at the rate applicable to commercial and industrial property of the same type.

SECTION 6. Tennessee Code Annotated, Section 67-5-1302, is further amended by deleting subdivision (b)(1) and substituting instead the following:

(1) The assessments of public utility property or property of modern market telecommunications providers, as set by the comptroller of the treasury in accordance with subsection (a), shall be adjusted, where necessary, on the basis of appropriate ratios, as are determined by the board of equalization for purposes of equalizing the values of such property to the prevailing level of value of property in each jurisdiction; provided, that no equalization factor for purposes of this section may exceed a factor of one (1.000).

SECTION 7. Tennessee Code Annotated, Section 67-5-1329, is amended by deleting subsection (b) and substituting instead the following:

(b) If any railroad, public utility, or modern market telecommunications provider has been or is hereafter aggrieved at the assessment so fixed and certified by the board, such taxpayer shall be required to pay the taxes due and owing the state, counties, and municipalities, upon the full value of the assessment, under protest. Upon termination of any proceedings that may be instituted in any of the courts of this state or in any of the courts of the United States by such taxpayer to review such assessment, the state, counties and municipalities, and any school district, road district, or other taxing district to which such taxes have been paid, shall refund in cash and with interest, such part of the taxes so paid to it as may be adjudged to be excessive or illegal by any final decree or order entered in any such proceeding, or in default of such refund, such taxpayer is authorized to take credit for the amount of such illegal or excessive tax, with interest, against any tax thereafter becoming due from and payable by such taxpayer, to the state, or any county, municipality, road district, school district, or any other taxing district authorized by law to levy taxes.

SECTION 8. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting subsection (h) and substituting instead the following:

(h)

(1) There shall also be an updating of the localized and nonoperating real property of public utilities and modern market telecommunications providers in each county, and such must be accomplished in the same year as other locally assessed properties.

(2) All assessing and updating of operating properties of public utility companies and modern market telecommunications providers must be done by the comptroller of the treasury in accordance with part 13 of this chapter.

(3) All expenses for assessing and updating of operating properties of public utilities and modern market telecommunications providers must be paid by the comptroller of the treasury.

SECTION 9. Tennessee Code Annotated, Section 67-5-1606, is amended by deleting subsection (c) and substituting instead the following:

(c) The state board of equalization shall each year certify to the comptroller of the treasury appraisal levels, as are determined by the board for each county, to be used by the commission for purposes of computing the assessments of public utility properties and operating properties of modern market telecommunications providers.

SECTION 10. Tennessee Code Annotated, Section 67-5-2003, is amended by deleting subsection (i) and substituting instead the following:

(i) Delinquent public utility taxes and taxes owed by modern market telecommunications providers shall not be immediately collected under this section if the local assessment includes any real property. The trustee or collector shall confirm with the comptroller of the treasury whether such taxpayer's local assessment includes any real property.

SECTION 11. Tennessee Code Annotated, Section 67-5-2801, is amended by deleting subsection (b) and substituting instead the following:

(b) In order to waive the enforcement and collection of taxes, including penalties, interest, or attorney fees and costs, imposed on public utility personal property or personal property of modern market telecommunications providers, the trustee or collector must first confirm with the comptroller of the treasury that such taxpayer's local assessment only includes personal property and does not include any real property. If such taxpayer is still operating, then no waiver may be requested or approved even if the local assessment only includes personal property and no personal property can be found in the trustee's or the collector's jurisdiction. If such taxpayer has ceased all operations and the local assessment does not include any real property, then the trustee or the collector may request a waiver in accordance with subdivisions (a)(1)-(3).

SECTION 12. Tennessee Code Annotated, Section 67-6-221, is amended by deleting subsection (b) and substituting instead the following:

(b) The revenue from a rate equal to one-half percent (0.5%) of the tax shall be deposited in the general fund. The remainder of the revenue generated from the tax imposed by subsection (a) shall be distributed to municipalities and counties in accordance with subsection (c) for the purpose of reimbursing local governments for the difference in property tax revenue due to assessing the operating property of modern market telecommunications providers as commercial and industrial property rather than as public utility property. If, in any fiscal year, the revenue exceeds the amount necessary to hold local governments harmless, all other revenue generated from the tax shall be deposited in the state general fund and allocated pursuant to § 67-6-103(a). If, in any fiscal year, the revenue is insufficient to hold local governments harmless, a sum sufficient from the state general fund shall be allocated to local governments in the same manner until the difference is fully covered.

(c) The office of state assessed properties in the office of the comptroller of the treasury shall annually calculate, for each local government levying an ad valorem property tax, the difference in property tax revenue or comparable in lieu of tax payments that results from assessing the operating property of modern market

telecommunications providers as commercial and industrial property rather than as public utility property. These calculations shall be forwarded annually to the department of revenue on or before January 1. The department shall distribute the revenue generated from the tax imposed under subsection (a), other than the revenue earmarked for the general fund under subsection (b), to the local governments in proportion to each local government's percentage share of the total difference in property tax and in lieu of tax revenue as reported to the department by the office of state assessed properties pursuant to this subsection (c); provided, however, that the department shall hold all such revenue until the revenue is first distributed to the local governments on March 20, 2018, or as soon thereafter as practicable, to allow sufficient time to determine the correct distribution of revenue under this subsection (c).

(d) When a person fails to correctly report on a return the person's sales of interstate or international telecommunication services subject to tax under subsection (a), there shall be imposed a penalty in the amount of ten percent (10%) of the taxes due on such sales, or twenty-five percent (25%) of the taxes due on such sales if the commissioner determines that the failure to correctly report such sales is the result of gross negligence. The commissioner may waive the penalty under this subsection (d), in whole or in part, if the commissioner determines that the failure is not due to gross negligence, intentional disregard of any law or rule promulgated under this title, or fraud.

(e) As used in this section, "modern market telecommunications provider" has the same meaning as defined in § 67-5-501.

SECTION 13. Tennessee Code Annotated, Section 67-6-222, is amended by adding the following language as a new subsection:

(c) The telecommunications ad valorem tax reduction fund created by this section is discontinued effective June 2, 2017, subject to the following:

(1) On or before June 1, 2017, the comptroller of the treasury shall make all payments that are required by subsection (b). Any moneys remaining in the telecommunications ad valorem tax reduction fund as of June 1, 2017, that are in

excess of the amount necessary to make the payments must be allocated pursuant to § 67-6-103(a); and

(2) No person is entitled to any payment under subdivision (c)(1), unless the payment is claimed on or before May 1, 2017.

SECTION 14. Tennessee Code Annotated, Title 67, Chapter 5, Part 6, is amended by adding the following new section:

Notwithstanding any law to the contrary, any and all property of modern market telecommunications providers shall be assessed at the rate applicable to commercial and industrial property of the same type for all tax periods beginning on or after January 1, 2017.

SECTION 15. Sections 1 through 11 and 14 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all tax periods beginning on or after January 1, 2017. Section 12 of this act shall take effect on June 1, 2017, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.